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PARTY GOVERNMENT AND DEMOCRATIC REPRODUCIBILITY: THE DILEMMA OF NEW DEMOCRACIES.

by

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Party Government and Democratic Reproducibility:

The Dilemma of New Democracies

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To quote myself, "ultimately, political parties are for governing."[1] Or are they? Under a minimal definition of parties the claim holds. What else are parties if not the quintessential mechanism for legal access to public office under conditions of mass democracy? But let us take a more ambitious definition of parties: one that looks at them as the main force affecting and therefore changing, when in power, what governments *latu sensu* do. It takes little to see that the definition no longer holds. What we have is no longer a definition but a hypothesis that admits variance: the fact of parties *in* government does not secure party government (not in the ambitious sense above).[2] I would venture further, and suggest that even when held as an ideal state, approached only in varying degrees by concrete parties, party government, unless scaled down to sense variation, holds little discriminant value.

Consider the following. If party government must entail no less than clear party preeminence over the affairs of the state, then Richard Rose is right in asserting that "only in a totalitarian society would one expect party government to reign absolutely."[3] It takes a party that incorporates the whole, in fact, a party that coincides with the state itself ... to run the state. If on the other hand, parties are parts--components of a plural system of parties, itself formally distinct from decisional institutions--then Rose is again right in pointing how factually absurd (and normatively dangerous) it is to expect that a change in the governing parties will unilaterally achieve what party government *strictu sensu* ultimately implies: a full undoing of what

the previous government did.[4] No democracy that intends to reproduce itself can and does tolerate such level of uncertainty. The only sure thing that a new governing party changes is party-appointed government personnel. Almost unheard of is the case in which parties regularly replacing each other in government routinely change significant facets of the political or socioeconomic structure. Though there are and have been a few democracies whose parties do not see eye-to-eye on many constitutional and structural matters, there have been fewer that have witnessed and none that has long withstood repeated rotations among such parties. More likely and tolerable is the case of parties coming into government with alternative sets of specific policies.[5] Yet, even here the distinctiveness of party platforms, the ability of governing parties to fulfill their pledges, as well as their ability to leave a significant partisan imprint over and above that of permanent bureaucracies and organized societal interests, are more often than not below the expectations of the party government model. And if we go by expectations, even the British party system, long considered the model's prototype, would not strictly fit it.[6]

To rescue the concept of party government for comparative purposes we must relax its most onerous requirements and expectations; something which, for the purposes of this essay, I can do by a mere sleight of hand: by advancing the banal truth that parties do make "some" difference after all, and in some cases more than others. The question I am now in the position to address in the essay is how much of a difference parties can make. As the discussion in the previous paragraph implies, there

are two sides to the question: how much party government any particular system is capable of mustering; how much it can actually afford. The first side of the question is about instrumentalities. It takes party government as the proper arrangement for processing popular demands and holding government to accountability, and only inspects the ways and means to secure it. It is a side of party government which appears at first of the greatest relevance nowadays, when an alleged loss of party control over public policies in favor of other bureaucratic or societal agencies raises issues in many minds about democratic representativeness.

But the more intriguing side of the party government question is in reality the second: If there are limits beyond which party government may threaten instead of assisting democratic reproducibility (I will dwell on the term in the next section)--if, that is, the ultimate value is not party government but democratic reproducibility--exploring those normative-behavioral upper limits is a task integral to and in fact preliminary to the study of the instrumentalities for party government. For one thing, there have been democracies that have sacrificed the latter for the sake of reproducibility; others, on the contrary, have sought to enforce party government at great costs; and still other and luckier ones have reconciled party government with reproducibility without much of a serious problem. Why the difference? For another thing, thinking in terms of these differences sheds new light on today's alleged crisis in the distinctiveness and incisiveness of party government.

In principle, there should be no serious reason to bemoan the crisis, unless it stems from or touches upon reproducibility itself.

But does it? On one side, one is tempted to answer in the affirmative. Seen in context, parties--whether in government or opposition--are collective legal/legitimate gatekeepers between societal interests and public institutions. It is this collective location straddling agencies of demand and agencies of performance that makes parties the key not only and obviously to party government but also and more broadly to reproducibility itself. Hence, whenever that collective location is challenged--as it has been in recent years--not only party government but reproducibility itself would appear at stake. On the other side, I must emphasize that there isn't just one crisis but many crises, differently packaged in different places. It seems reasonable for example--and I will not for the moment elaborate on the statement--that democracies which never quite managed to reconcile party government with reproducibility, but were induced to sacrifice one or the other, have today a harder time (in different ways) redesigning party government for the sake of reproducibility when they never managed to do it before.

It is now time for me to address the question of democratic reproducibility. To stress its exchange and market nature, I will contrast it to reproducibility in nondemocratic systems. This will be followed by an analysis of the difficulties encountered by new democracies in reconciling reproducibility with party government. I will use examples from European democracies that have replaced authoritarian or totalitarian systems. I will conclude with party government and reproducibility as issues with variable incidence in the contemporary crisis.

REPRODUCING CONSENT: DEMOCRACIES AND NONDEMOCRACIES

Democracy is a matter of consent and consent, though often durable, does not come free. It must be reproduced. That is why, above, I have spoken of reproducibility rather than simply consent, legitimacy, or similar. Reproducibility begins to convey what it takes; the operational side of consent. I have also stated that the key to reproducibility is the political party, or better, the system of parties. Their plurality; the plurality of opinions and interests they variously transmit, mediate, package, and even deflect or label; their institutional separation from and yet their collective/competitive hold on government--these are the factors that explain why consent is required, why it does not come free, and why at the same time it is parties that ultimately reproduce consent (thus reproducing themselves) or arrest it.

By contrast, in a totalitarian or authoritarian regime the key agent of reproducibility is the state itself, or the party-state where it exists. This does not mean that matters of consent are irrelevant. But it does mean that since consent does not depend on the uncertainties of the political market (the survival or revival of such market would in fact threaten consent) reproducibility is less of a problem. It also means that, where consent fails and a political market begins to stir, force is strictly speaking still sufficient to preserve a nondemocratic order[7]--as well as being justifiable in the light of some principle of organic unity inherent in that order. A democracy, however, extracts consent from a competitive political market--a more aleatory process requiring replication. If consent fails, a democracy cannot live on force alone without eventually putting into question its own authenticity; it can justify force only as an emergency;

it is finally less likely to muster force anyway, since ultimately support and sanction for its use must again come from a political market which is however naturally prone to fall further apart on the issue.

Besides, what is democratic consent about? To answer the question is to underscore once more the calculus that is behind it. For consent is about the political market itself or nothing else. More precisely it is about what Adam Przeworski calls uncertainty--the uncertainty of political outcomes which naturally results from the competitive market.[8] Outcomes depend on resources or positions--both politico/institutional and socioeconomic--and the presence of a political market, by preventing a monopoly of the same, is meant to prevent fixed and repetitive outcomes: winners always winning, losers always losing. By preventing a monopoly of politico/institutional positions (and by institutional dispersion), democracy for instance avoids one source of certainty about outcomes and winners which is typical of totalitarian/authoritarian regimes. At the same time, by legalizing equal access to institutional positions, and by dispersing them in countervailing fashion, democracy corrects as well the unequal effects of social and economic positioning. It is the essence of political democracy that no single social or institutional formation should determine outcomes by monopolizing institutions (a class-party state) or by its sheer social position (a laissez-faire capitalist class). But why should any group prefer the uncertainty of democracy--more precisely, why should it consent to be at times a loser? One answer is that consenting to lose is a condition for winning at other times.[9]

However, the answer requires elaboration, for it is not the simple, rock-bottom, all-explaining answer that it sounds. To say that accepting to lose is a condition for winning is not to say that democracy is only the residual option, entered into by any collective actor if chances of winning all the time, that is under a different political order, are limited. First of all, there are political actors today who enter into democracy's bargain implicitly; i.e., without a calculus of the feasibility and personal advantages of other alternatives. For them the democratic bargain is a natural and appropriate bias.[10] Second, even those political actors who may seem to us to be compelled toward democracy as a residual option may not always find or perceive the option as equally residual, unpalatable, and conditional: hence, the range and consistency of consent will vary. To give flesh to this point it is sufficient to reflect on concrete cases of democratic inauguration, following a prolonged period of dictatorship, and the response by former members of dictatorial coalitions. They suggest that, given certain conditions, even its inner core may find dictatorship expendable and democracy something more than a temporary retrenchment.[11]

There have been cases in which democracy materialized almost as an afterthought (the Second Spanish Republic), and cases in which it was inescapable (post-Nazi West Germany); cases in which the dictatorship remained largely cohesive to the bitter end (World War II Japan), and cases in which, by splitting, it put in motion democratization (post-Salazar Portugal); cases in which entering into the democratic bargain was necessary for the recognition, in some reformed way, of old interests and formations connected with the dictatorship (the Italian

monarchy after Fascism), and cases in which those interests and formations might have survived at least in part without full democratization (Greece under the colonels); cases in which entering into the democratic bargain was sufficient (large sectors of the right after Franco), and cases in which it was not (the right after Primo de Rivera). If we combine these various possibilities we find therefore instances as disparate as the Second Spanish Republic and Spain after Franco. In the former, the old right--having survived and regrouped after Primo de Rivera's uneventful fall--looked at democracy as a residual option, and not even that compelling and unavoidable. It also looked at it as progressively unpalatable or at least conditional (incidentalismo described the attitude at the time), as the republican left moved to undercut the right's share in the democratic bargain beyond limits which the right considered crucial for its survival. In post-Franco Spain, on the contrary, the process of democratization was initiated by forces inside the Franco coalition itself; and while the move was probably necessary to secure the recognition of old interests on new competitive grounds, it was also sufficient.

The implications of the two cases for the transfer of consent from one political order to another are rather simple: transfer, though by no means easy, is at times possible. The fact of previous consent to a nondemocratic order is no necessary impediment. And though we may fear mental reservations in the attitude of social formations that turn toward democracy, the only thing we can firmly observe--and the only that counts for democratic reproducibility--are repetitive deeds: playing by the adopted rules, hence sharing a probable amount of wins and losses, and advocating no other order.

A further element of complexity in joining the democratic bargain stems from the fact that there is a whole range of possibilities about being a winner, or a loser, "some" of the time: How often is that? It is clear that in setting up a political market this is a matter of great contention among collective political actors. It is equally clear that in an open and competitive democracy the matter is not settled by deciding ahead of time exactly how often, how much and when each actor will win or lose. Rather, consent is upon a set of rules of the game: norms, procedures, and institutions whose operation will probabilistically and therefore still uncertainly effect a fair balance of winning and losing.[12] If rule agreement is reached, its institutional nature and the fact that it is only probabilistically related to outcomes mean that it can have a span of endurance. Still, the agreement is also instrumental, a mean to an end; and political actors, even when consenting outright to a share of losses and victories, try as much as possible to bend both means and ends in their favor. Therefore, agreement on rules is continuously though implicitly tested against performance and may at times require renegotiation if, for reasons having to do with the rules' actual operation or their changing environment, performance falls eventually outside a tolerable range of expected outcomes.

It seems, then, that when political parties are centrally involved in the inauguration of democracy, they have quite a task to attend to.[13] The demanding nature of the task is stressed by the fact that it is at this juncture that the issue of how much a democracy can afford in the way of party government typically arises.

SUCCESSOR DEMOCRACIES AND THE LIMITS OF PARTY GOVERNMENT[14]

Let us imagine, to start with, a set of parties which--by any number of acceptable criteria we employ--are committed unreservedly to the democratic bargain.[15] Their commitment means that their first objective is to build the institutional and, through them, material conditions for reproducing consent on the broadest basis. At the same time, as parties prospectively competing for government, it is also their objective to try and carve the best possible deal for themselves and their followers. I have already pointed out the difficulties inherent in principle in reconciling the two objectives: both objectives are pursued through institutional manipulation; but the latter points ideally toward the directness and purposefulness of party government and is therefore focused on victory and policy delivery; the former points toward a balance of wins and losses and therefore puts an upper limit to the pursuit of unilateral victory. But successor democracies--such as those established in the West since the war--are likely to have special difficulties, which serve well to highlight the general problem: What does reconciliation entail and how do you get there?

The key source of difficulty stems from the probability that next to parties unreservedly committed to the democratic bargain (I will call them for short democratic parties), a set of forces will appear, possibly rallied around their own parties, whose commitment to the bargain--owing to their past allegiance to the old regime--is <u>or seems</u> to the democratic parties less than certain and unconditional (I will call them nostalgic forces or parties). In other words, if the

democratic parties were alone in the transition to democracy they would find it much easier to reconcile party government with the notion that wins and losses should be fairly shared. Each party would agree that institutional arrangements favoring party government should not violate the capacity of prospective oppositions to maintain their identity and their interests as they themselves define them. Further, mutual trust in democratic commitment and awareness that institutional arrangements influence outcomes only probabilistically would leave the door open for a wide range of tolerable arrangements, including those strongly favoring party government and alternance.

But as soon as nostalgic forces and parties are involved in the transition the reconciliation above meets a harder test. It is still possible to come out of the test successfully; but it is also possible that--as already indicated in the opening pages--either party government or reproducibility will be sacrificed to some extent. The best way to appreciate the internal dynamic of any of these outcomes is by playing out hypothetically a number of scenarios which per se appear to be otherwise "reasonable" (not too easy but not too difficult either) for the prospects of democratic transition.[16] I will then offer concrete examples.

The presence of nostalgic forces has, first, the effect of confronting the democratic parties with the issue of how much space those forces should have in the share of wins and losses. More precisely, what confronts the democratic parties is not just a choice between a set of tolerable options shading into each other. What confronts them

in principle is a dilemma: should the democratic bargain make special room for nostalgic forces in order to render them safe for democracy, or should it cut them totally off in order to make democracy safe from its "enemies?"

True, in concrete cases the dilemma may actually have a ready answer. But even assuming a "reasonable" scenario as an answer--i.e., the democratic parties show restraint in the treatment of nostalgic forces, they ultimately favor national reconciliation, they find the nostalgic forces available for such solution--the scenario still implies some troubling costs. One cost of special interest from our viewpoint has to do with the nature of the trade-off that nostalgic forces are likely to seek for agreeing to democracy. Since these forces include institutions with a central role in the old regime (typical examples are the monarchy, the military, the church) they are likely to interpret the democratic bargain in a way that may thwart or distort its authentic meaning. What they intend to bargain on is not a probabilistic and uncertain share of wins and losses--something more appropriate when the allocation of material resources is at stake--but the immediate preservation in no uncertain terms of "some" of their exclusive institutional roles. It is clear that, beyond a certain point, similar demands may make the new regime into a hybrid--a guided democracy of sort; a political market that tolerates corporate monopolies of institutions and hence outcomes. It is also clear that the democratic parties--even if they recognize that there is nothing inherent in a monarchy, a military, or a church as institutions to prevent them from consenting to democracy--find it difficult to subscribe to some of their institutional demands.

To complicate matters (but still remaining in the realm of the "reasonable"), there is the fact that next to nostalgic ones other putatively nondemocratic forces may appear in the transition. I am speaking of forces or parties of the extreme left. Let us again overlook the obviously difficult scenarios: the extreme left pushes for a pitched battle against nostalgic residues or resists even a conventional democratic outcome.[17] Let us instead assume that the extreme left accepts, and is indeed instrumental in achieving the democratic bargain, and let us also assume that it takes a less than nastily punitive view of how nostalgic forces should or could be handled. Even so, the democratic parties should still reasonably expect that the extreme left will never quite rid itself of an ambiguous or critical stance toward the actual versus expected accomplishments of the democratic transition and will recurrently denounce creeping continuismo. And since the extreme left is likely to point to continuismo as one major stumbling block in reaching a distribution of wins and losses more equitable toward the lower classes, this buttressing of economic with civic-institutional criticism may even succeed in rubbing at least onto the democratic left. It may variously blackmail it or attract it toward forms of political action in common with the extreme left (the more so if the democratic left already had its own reservations about the treatment of the nostalgic forces). The important point to make here is that such common action cannot and at any rate will not be considered by other democratic parties (typically a large conservative or moderate party) as a garden-variety policy coalition. Rather, it will be considered a symptom, if not a cause of,

an early and recurrent weakness in the institutional bases and therefore in the reproducibility of consent.

The reader should notice that I have spoken of common action between democratic and extreme left; I have not spoken of formal and stable government coalitions, for the reason that--as I will detail later--such coalitions do not constitute likely (and reasonable) scenarios. Too many things usually divide the two branches of the left, even when the extreme has been behind the democratic transition, to allow for more than emergency government alliances.[18] Yet, if this suggests that government coalitions will typically be limited to democratic parties, much of what I have said so far also suggests that such limitation does not guarantee effective and stable partnership either.

But reasonable complications do not stop here. If the extreme left shows suspicion of the nostalgic right, the latter is almost certain to reciprocate. In the presence of an extreme left it is therefore fair to expect that the nostalgic right will not limit its demands to the preservation of some of its institutional roles. Fearful of the extreme left's resistance to <u>continuismo</u>--muted as that resistance may be--it may demand constraints on the extreme left itself. Even without pushing for outright banning of its parties, it may insist on party licensing based on ideological-organizational criteria which the extreme left should not easily meet; or it may insist on decoupling of party-union ties, controls on unions themselves and constraints on bargaining powers and job action--all of which would have particularly negative effects on the extreme left. And even if the right formulates no specific demands against the extreme left--even if it accepts that the same constitutional guarantees be extended to the extreme left as to all other political forces--the least

we can expect is that the presence of the extreme left will heighten the right's circumspection toward the whole process of transition. It will for instance heighten suspicion toward institutional guarantees that will make democracy a "free-for-all." Either way, the same efforts made by the extreme left to pull on its side at least the left of the democratic parties, will be made by the nostalgic right toward the more conservative wing of the same. This too must be seen as a symptom if not a cause of an early and recurrent weakness in the institutional bases of consent: those bases are likely to be questioned more often, or to be checked against material outcomes more often.

True, we are far from a scenario in which the extremes are busy not simply protecting their place in the democratic bargain but arresting the bargain itself. Also true, since the democratic parties have an implicit commitment to the bargain, and as long as initially the extremes are not unconditionally opposed to the same, it is unlikely that--barring special and unusual circumstances--the pressure exercised by the extremes on the democratic parties will in short order spell doom for the democratic experiment. It is unlikely, in other words, that starting from an original attitude of circumspection the extremes will naturally and progressively move toward a more unconditional resistance to democracy, attracting hegemonizing or coercing in the process the democratic parties themselves.[19] On the contrary, given the initial scenario I have just depicted, time (even in the sheer sense of gaining time) should eventually favor a democratic outcome. The mobilization of large sectors of society in favor of democracy that almost inevitably accompanies the

crisis of dictatorship, the desire for normalization that follows the initial and more uncertain period of transition, and the hard reality of prolonged negotiations on the terms of the democratic bargain should all work in the same direction: Bolstering the democratic compromise and in fact inducing the extremes to comply with initially feared and unthinkable sacrifices.

In sum, the scenarios I have presented so far are reasonable in that they tend toward a progressive narrowing of the options that are advanced in the early stages of the transition by a wide spectrum of left to right, democratic and putatively nondemocratic political forces.[20] And the narrowing occurs around an institutional compromise in the negotiation of which the democratic parties play the central role.

Nevertheless, I have also indicated that the compromise involves sacrifices by the extremes that go beyond their original inclination--sacrifices which the extremes may hold against the democratic parties for some time to come, thus subjecting reproducibility to a continuous test. Indeed, any extreme progressively drawn by the democratic parties into a series of sacrifices is actually in a better position for later questioning those sacrifices in terms that the democratic parties cannot easily disregard: It can challenge the final compromise on its own democratic terms, for having thwarted democracy or subjected it to exclusive interests and forces, or for threatening its own identity beyond tolerance. It can in other words be said that once the inaugural phase is over, the more serious test for reproducibility will rarely come from the drama of extreme forces still favoring in principle a political order

alternative to the democratic one. Assuming that they favor it, and at least as long as conditions are normal and steady, this is still of no direct consequence for the way in which the political game will be structured. The serious test will instead come, less dramatically but more ambiguously, from within--as it were--the democratic compromise itself.

The foremost task with which the democratic parties are confronted, given this initial scenario and its later potential implications, is therefore how to alleviate the problem of reproducibility. Everything in the scenario, however, suggests that this cannot be easily done by drastically disregarding the extremes and freezing them out of the democratic compromise. The move would be too risky--the more so the more the extremes enjoy popular support and organizational clout--as well as being unwarranted by their initial behavior. Thus the democratic parties are likely to opt for a more accommodating and less exclusionary strategy that, while keeping in place the sacrifices to which the extremes have been drawn, will not further limit their ability to survive in some reformed way. This is typically done by making institutional garantismo the centerpiece of the democratic compromise.

Garantismo is an approach to constitution-making concerned above all with making the political market as open and competitive as possible; the aim being not to prejudge or load the future wins or losses of anyone who abides by its easy entry rules. Prejudgement is checked by the very fact of keeping entry qualifications to a minimum, as well as by curbing the monopoly of institutions by any force and the monopoly of outcomes

by any institution. The reason why extreme forces should prefer this market to a more constrictive one, the nature of whose constrictions they are not sure they can control, is obvious. In fact, garantismo may be seen as a strategy which democratic parties pursue not just to compensate the extremes for previous sacrifices but to induce them to those sacrifices--possibly by dividing them internally on the issue. For example, the prospect of a garantista setup may help a reasonable sector of the extreme left to shelve earlier and riskier aspirations to a more "advanced" form of democracy. This still does not mean that the extreme left will stop questioning the actual democratic compromise. There remains the fact that by institutionalizing market uncertainty in the utmost garantismo may still be seen by the extremes as a mixed and ambivalent solution: because on one side they do not take instinctively to uncertainty, and because on the other--to the extent that it does protect any one extreme--uncertainty also protects its opposite. But once garantismo is in place, questioning the democratic compromise will appear less credible or urgent. So, if there are reasons why the extremes may at least try to attract out and divide the democratic parties, there are also reasons why garantismo may stem if not reverse the trend. From the viewpoint of the democratic parties garantismo has the advantage that it makes the reproduction of consent a recurrent, to be sure, but also somewhat more normal activity.

But one direct or indirect cost of garantismo is that it sacrifices some of the necessary ingredients of party government--those having to do with the distinctiveness of governing coalitions as well as with the

incisiveness of policy action. To begin first with the latter, garantismo by its own nature tends to deemphasize policy activism and institutional choices that go beyond the minimum required to institute the mere framework of an open market. In other words, the emphasis is on the competitiveness of the market, not on its capacity for delivery. Furthermore, there is an incentive for the democratic parties not to commit themselves to any institutional choice or policy reform that may be interpreted as making them lean heavily in the direction of one or the other extreme--i.e., in the direction of "excessive" or "insufficient" democratization. By holding the center, so to say, the democratic parties maintain their identity as unquestionably democratic parties, affirm their preeminent interest in the success of the transition, and strengthen their role as the key forces in the transition. In so doing, they also and most importantly intend to strengthen and extend their electoral appeal at a time when, the dictatorship over, society is almost spontaneously mobilized but political alignments are not yet defined. To repeat, however, all of this carries a cost in governing; the more so as, in a last twist, it may be the extremes themselves that, having been left with no other immediate options, will finally insist that the democratic parties adhere strictly to garantismo (or will even initiate a demand for it). Thus, even when the democratic parties, by securing their democratic distinctiveness, are returned to government over and over again, it will be a rather limited government that they will preside over. As parties they may be in government, but as governments they may have a narrow range of policies on which to act.

To understand these points in finer details let us consider the matter of constitution-making and the matter of who governs as matters of coalition. Garantismo, as the likely outcome of the reasonable scenarios I have examined so far, implies cooperative constitutional coalitions. It may be the democratic parties that set in motion garantismo, or it may be as just suggested the extremes or sectors thereof that demand it, or even more likely it may be a bit of both (not even historians, or historians least of all, may agree on the exact interaction). No matter, the end result is a willy-nilly, formal or informal, explicit or implicit, broad and inclusive coalition. And broad constitutional coalitions incorporating, even with different weights, the extremes have a common denominator to agree upon which is minimum indeed: in essence, living together. My remarks above suggest that--at least with some virtue and leadership and a few imponderables--such an agreement should make any one of the following three developments more likely. Either the parties of the new democracy, though continuing to disagree on the optimal terms of the democratic compromise, would put their disagreement on the backburners. Or parties and coalitions advocating a radical and unilateral change in the terms of the democratic compromise would not be voted in. Or, when vote in, would do less than expected about their promise. And this is as it should be for a functioning democracy. That uncertainty--uncertainty not just about wins and losses but about the rules for wins and losses and the tenure of those rules--does not define democracy. Competition for changing rules once in government is not what party government is all about.

But the constrictions imposed upon government by the agreement to live together, an agreement broad in its membership but narrow in its terms, are likely to be even greater than that. And they are constrictions to which governments will be held by the institutional and coalitional features of that agreement. Central to these features will be a trade-off of great importance to the extremes and also to the democratic parties themselves: on one side a certain unreformed continuity in the civil and military apparatus of the state, on the other an accentuated parliamentariam revolving around a fully developed party system. Continuity in the apparatus of the state (including possibly but not necessarily the preservation of representative institutions like the monarchy) must be seen first of all as an aspect of national reconciliation of special importance for the nostalgic right. Kept to a minium, as our scenarios imply, it involves the maintenance of the essential hierarchical and functional structure of that apparatus--in sum the maintenance of its identity--once specific features added by the dictatorship and patently incompatible with the democratic order are removed.[21] But continuity may also be seen as a necessity, since changing the apparatus of the state is not easy (even for a dictatorship), and since even a democracy must rely on some machinery of government, especially in its inaugural phase.[22]

To counter continuity, and more central to the pursuit of garantismo, there stands the new system of parties. And here is where the problem of governing comes in; for it will not be any system of parties. If it is designed by a broad constitutional coalition to begin with, it will likely be designed so as to keep access to the political market as open

as possible and to prevent monopolistic situations. Chances are, therefore, that access will be regulated by proportional electoral laws, that is by laws that are meant to put no obstacles to the self-generation of political interests and parties. Chances also are that the party system will be placed in the context of accentuated parliamentarism, that is of a system structurally designed to make institutional monopolies more difficult. In fact, reliance on party-based parliamentarism as the centerpiece of garantismo may be such that constitution-making, beyond the broad definition of an unconstrained parliamentary system, may amount to a very limited affair. For example, the extreme left (at least that part which expects substantial electoral support), let alone the democratic parties, may at least initially feel that a new open unrestrained and in sum fully democratic party system is sufficient to circumvent the problem of continuity in the state apparatus. Or the parties may feel that nothing more and better can be done, given the actual political situation. In either case, little constitutional attention will be paid to the issue of how to link the old state, as a structure of policy intelligence and implementation, to the new parties. Similarly, reliance on the simplified solution of accentuated parliamentarism may lead parties to overlook other forms of garantismo that allow competing societal interests more direct entry to a new set of countervailing decisional institutions. And as long as constitutional efforts will have remained focused on implementing parliamentarism, this will have a double effect on governance. First, it will discourage even temporary market supremacy by the government over the opposition. This

will be so because institutional arrangements will curb the control of any electoral majority, even stable, on the policies of parliament and government; but much more because any other majority behavior will be denounced by the opposition as a violation of the collective constitutional agreement, and in sum of the strict terms for democratic reproducibility. Second, governments will lose coordination with a state apparatus whose continuity and potential or suspected indifference to democratic governance the new party system was supposed to allay. And if such coordination is in any form an ingredient of party government, then party government will suffer on this score as well.

With this, I have fairly exhausted my treatment of the likely implications for governance stemming from a transition to democracy in which, 1) the political extremes cannot be discounted, but 2) the transition nevertheless converges toward a negotiated democratic solution. I wish to insist on one point having to do with why the constraints upon governance, in particular upon party governance, are likely to be greater than those experienced by democracies that either had, as I will explain later, an "easy" transition from dictatorship or were not born from dictatorship. In my opinion, the ultimate reason, or the reason that subsumes most of the others, is that the type of "reasonable" transitional scenarios I have illustrated involve a process of learning: learning the hard way and in especially delicate and constrictive political conditions what democratic party government is all about, what its upper limits are, what it cannot violate. This in turn is the main reason why I have started my analysis with the reasonable scenarios

above--they best show my point.[23] Another reason is my belief, which I can only state here, that those scenarios are also the most likely ones[24]--though it is not likelihood as much as exemplarity that counts. New democracies are exemplary and instructive, to return to my introductory theme, exactly because party government must tread particularly difficult waters.

Bearing on this, we must remember that institutional compromises are only probabilistically related to outcomes. Strictly speaking, no amount of garantismo can absolutely secure the survival of any specific set of interests against the will of a democratic majority. Garantismo can only build an obstacle course on the way to the formation or implementation of that will; it cannot deny its ultimate legality. It is exactly this level of uncertainty that our new democracies find uncomfortable. This does not mean at all that they will disregard strict institutional arrangements. On the contrary, it means that they will tend to surround them with all sorts of unwritten and stricter cultural-political expectations about their proper use. Any violation of such unwritten rules will be construed as a violation of the democratic bargain, which may strain the reproduction of consent and require a more frequent reassessment of its terms. What therefore differentiates our new democracies from, let us say, more "established" democracies are two aspects of the democratic bargain. First, as stated at the beginning of this section, the latter democracies will be able to accommodate a broader range of institutional arrangements, including those that favor party government. Second, and more interesting, they will be in the position to afford a freer use of

those arrangements, in which the constraints imposed by the upper normative limits to party government will be more implicit and internalized, and therefore more relaxed.

For example, an established democracy with institutional arrangements which are traditionally intended to favor party government (to exemplify, a two-party system, centralized and strongly organized parties with a distinctive electorate and ideology, executive dominance over parliament) will have no problems putting these arrangements to full and at the same time legitimate use in behalf of party government. This is so exactly because the expectation is that the use will not violate the upper normative limits of party government. But the expectation is not so much based on the existence of institutional restraints--which in fact may not even exist--as on the implicit and tested certainty that there is no cause for anybody to violate those limits. This in turn may allow the politicians of such a democracy (in particular, the opposition) to rely with greater confidence upon one fact which the politicians of a new democracy may deem insufficient, and which scholars have more recently demostrated: Namely, that there are at any rate structural disincentives and limits, other than constitutional, to party government. These are the limits I have in part touched upon in the first two pages of this essay and which consist, to recap, of the following: That parties are only parts; that they mediate between complex social formations which have more than an input function into politics and a differentiated state which does not coincide with parties; that they operate in the context of unfolding events which either outstrip their programs or do not lend

themselves to competing partisan solutions; that they must often play down rather than emphasize policy distinctiveness in order to gain marginal votes.

Let us finally imagine two democracies--our own new democracy and an "established" one--each with institutional arrangements opposite to the ones above and thereby presumably limiting party government. Let us imagine for instance that both must rely on coalition governments, and both lack constitutional devices giving explicit preeminence to the executive. It does not take much to surmise that in the established democracy the fact of coalitions per se may actually be not at all a serious obstacle to a tolerable version of party government--in sum, to the ability of coalitions to assemble, deliver or adjust if need be a reasonable government program. It is equally understandable that a government coalition, and its leader in particular, are not bound to interpret the lack of constitutional buttressing of executive powers as a legal or, even more, cultural injunction against enforceable majority rule. There are no political risks--at least no risks for the reproduction of consent--if as a matter of practice that democracy asserts forms of party government which institutional arrangements do not expressly stipulate (and which at any rate are checked by the structural disincentives and limits recalled in the previous paragraph). But could or would our new democracy act the same way? Again, the reason for the difference is to be found in that uncertainty about the material outcomes of institutions which one democracy has learned, and which the other is trying to learn and therefore cannot immediately afford.

Or can it? What if the initial scenarios had been different? The answer is rather straightforward: since it is always reproducibility that determines whether party government is affordable, and since reproducibility hinges on the presence and role of the extremes, they must be scenarios where the extremes create no problem for the reproduction of interests and thus of consent. I can think of two such scenarios. But I can also think of one scenario where--on the contrary--an early push toward party government, in the absence of the appropriate normative conditions, undermines reproducibility.

The first scenario is self-explanatory. There will be no issue of reproducibility and no obstacle to party government--almost by definition--if the political extremes are initially weak and politically disqualified,[25] and therefore easily discountable. Because the scenario is an easy and indeed not very interesting one, I will not further dwell on it. What deserves understanding is not so much what its outcomes are, as much as what the conditions are that make the extremes weak and politically ineffective. And this can be illustrated to greater advantage through a concrete example to be offered in the next section.

But let us now suppose that the political extremes, instead of being weak and politically ineffective, are so prominent that they and not the democratic parties (as in the scenario with which we started) hold initially center stage in the transition. Ostensibly, we are no longer dealing with an easy scenario, to say the least. Is party government, in fact democracy itself, eventually possible? The answer is always the same and straightforward: yes, if the extremes, or whichever extreme carries

the main burden of the transition, take as their chief task the creation of the institutional conditions for reproducing consent; if in sum they cease to be extremes, except by some external labeling we attach to them. Contrariwise, any early effort to impose and give precedence to party government would backfire, in more ways than if the same strategy had been used by democratic parties. To put it in stronger terms, what I am willing to argue (and show) is that scenarios dominated by the extremes can and do produce the worst but also the best possible outcome for democracy.

To begin with the latter outcome, let me take the case of what we have labeled the nostalgic right (the reason why I have chosen the right rather than the extreme left will become apparent later). In the scenario dominated by the democratic parties I have presented the behavior of the nostalgic right as indeed largely nostalgic, if not exactly inimical to democracy: compromising willy-nilly, stalling, blackmailing, and in sum dragging along at best. But this is just one scenario. Some of the remarks I made in the previous section suggest as well that there is no a priori reason why the nostalgic right--that is, forces in the coalition that made up the dictatorship--should remain cohesively nostalgic, that the right is not nostalgic by definition and in toto but by the structure of opportunities, and that dictatorships can be as expendable as democracies are. It is conceptually quite unwarranted to take the interests of the nostalgic right as fixed and unshakeable when we know that the demise of dictatorial regimes has often been put in motion by secessions within the regime's ruling

coalition. And to argue that secessions serve the purpose of saving the old interests begs the question of how such goal can be achieved. Besides, intentions do not count here: Strictly speaking, saving old interests through a new regime is an impossibility, since the structures of a regime affect and hence define/redefine the interests served. To say the least, and for reasons that need no restatement, there is no guarantee that old interests be preserved if the new regime happens to be a democracy. To be sure, that is why forces seceding from the dictatorship may wish to arrest the process of liberalization they have put in motion before it reaches the democratic threshold. But there are circumstances--which is not my task to analyze here[26]--under which those forces may propel liberalization up to and past the democratic threshold. When this happens, then something else is likely to happen.

If and because it has undertaken the path to democracy, the seceding right (in a way the right more than any other political force) should understand two things about the successful management of transition. First, a new democracy is rarely established by unilateral action. At one point or another, even assuming original unilateral action, pressures for broader founding coalitions will be brought to bear by newly mobilized groups that variously look at the dictatorship as morally abhorrent, economically unviable, politically exhausted, or just plainly expendable and incidental. Second, of all the forces that may set in motion the transition to democracy the one that can least disregard the importance of accommodating these newly mobilized groups within the democratic

bargain is precisely the right. For one thing, this being almost always a seceding right, it will find it difficult to assert itself over that part of the right that remains nostalgic or undecided, unless it seeks the support of emerging democratic forces. For another, and more important, since these forces have good reasons to suspect the motives and the commitment of the seceding right, nothing short of deeds explicitly demonstrating that commitment will buy that support. The most obvious deeds, and possibly the easiest, are politico/institutional: putting no obstacle to the ability of forces that play by the rules to enter the political market; while avoiding institutional arrangements that may be interpreted as stacking outcomes in favor of the right. In sum, once a seceding right embarks not merely on liberalization but democratization, the path must be travelled to its political end.[27]

All of this sounds very much like garantismo. But the point I wish to make is that--exactly because what is first at stake in the transition is the transfer of consent from dictatorship to democracy--garantismo initiated by the right itself has a double advantage over one initiated by forces that always opposed the dictatorship. First, it is a more complete antidote against fears of continuismo. Second, and reciprocally, it offers a larger basis of consent for the new democracy and its new political forces. It allows, in sum, what I have elsewhere called a mutual "forward/backward" legitimation of democratic forces on one hand, and of reformed forces formerly in the service of the dictatorship on the other.[29] And the scope of the

constitutional coalition that makes this possible may be broad enough to embrace even forces that we would conventionally assign to the extreme left, but find important pay-offs in the collective implementation of garantismo.

Finally, the realization of such a scenario has the ultimate effect of removing normative obstacles to party government. It is exactly broad agreement on the institutional compromise that, by building stronger foundations for the reproduction of interests and consent, should make this last achievement possible. In sum, though garantismo as pursued by the democratic parties in the first scenario is still an impediment to party government, here garantismo should have the opposite effect: Once again, what preliminarily counts in making or breaking party government are not institutions and instrumentalities per se, as much as their cultural underpinning and the collective expectations about their proper use.

Besides, the constitutional strategy used by the seceding right should also favor the formation of a party spectrum and party alignments conducive to government competition between left and right coalitions. The seceding right, in order to firmly differentiate itself from the rest of the right, will tend to converge toward the more moderate sectors of the forces opposed to the dictatorship. By the same token, its constitutional behavior will make it easier for the moderate sectors to look at the seceding right as a potential government ally, or may even lead to the formation of parties or federations of parties combining moderate and right-wing forces. On the left, similar incentives toward

convergence may operate, since the constitutional behavior of the right should variously weaken the reservations of the extreme left about the terms of the institutional compromise, increase the risks of more dissenting strategies, or divide the extreme left on these issues. None of this means that there will be no real extreme left and no real nostalgic right to resist, oppose, denounce or resent the democratic compromise. But it does mean that the new party spectrum should leave them little political space and leverage--too little for these forces to prevent the rest of the parties from taking a turn at party government.

But what if, instead of the reformed right or the democratic parties, it is the extreme left to take the prominent lead in the transition; and what if it goes for a more progressive democracy--one that would not be confined to a mere political shell but would place group and class relations on a more "advanced" basis and do away with continuismo? Reasons why the extreme left would be persuaded to follow such a scenario are not lacking. The very fact of enjoying an initial lead with respect to the other forces would give the extreme left additional power and drive. It would also give it a sense of potentially expanding authority and support and hence a sense that everything is possible. After all, if the extreme left is in the lead, it must appear to be so, in the initial exhilaration of liberation, because the right (and perhaps not the right alone) is morally, politically and economically bankrupt beyond at least immediate recovery.[30] In fact, under similar

initial advantages, even the democratic left may be attracted by the prospects of a more radical democratization--or may choose or be drawn into a more stable and exclusive coalition with the extreme left.

What would then be the likely implications of this initial scenario for reproducibility and party government? The answer should by now be clear *a contrario* from everything I have said in this section, and I offer it less for demonstration than for completeness. Let us assume that the initial drive by the left will in fact catch the right in disarray and will therefore meet no immediate resistance capable of setting the clock back. The result, as Guillermo O'Donnell has described it, will be a process of rapid and purposive democratization that will go well beyond the strictly political dimension.[31] The process will have three distinctive components of importance for our analysis.

First, it will tend to give first priority to policy content--that is, to ambitious reform policies in the realm of social and economic relations and institutions--as the best strategy to prevent a resurgence of the past and to expand and consolidate popular consent. Second, it will tend to soft-pedal a conventionally competitive constitutional framework and prefer politico/institutional arrangements intended to keep in place, monitor and carry forward those reforms. In principle, institutional arrangements should vary considerably as to the locus of monitoring and leadership they favor--from forms of producers' *autogestion* to select local and national *juntas* supervising or replacing competitively-elected parliaments and the surviving institutions of the state. But, in

my opinion, fears of reactionary coups and the cumbersomeness of dispersed autogestion should sooner or later push the left toward the latter arrangements (thus making the new regime a borderline case of democracy at best). And the push will be stronger if, of the two wings of the left it is the extreme that prevails. Third, in the drive toward policy reforms and constitutional guidance (an approach quite different from garantismo), the left is likely to shun political and constitutional coalitions with more moderate sectors of the party spectrum as tactically unnecessary, programmatically stifling and ideologically improper.

Pursuing these three components means in effect pursuing some of the behavioral and instrumental conditions of part government: The directness of its policies; the homogeneity of the governing forces selecting them; the constitutional preeminence of these forces over, or at least their circumvention of, the state's implementing apparatus on one side and representative institutions and oppositions on the other. But it also means getting dangerously close, to say the least, to a violation of the normative limits of party government. The left will not look at the constitutional mechanisms it has constructed as mechanisms to be interchangeably used by its adversaries, were they to become the government; it will not see party government as only government by parts, and limited in time; it will not take favorably to uncertainty in institutional outcomes (an uncertainty which reforms were supposed to remove); and even if it settles for a more conventional democratic framework that does not prevent in principle a new majority

from coming into government, it will not consider the new majority as being entitled to repeal or alter the reforms it has introduced, since they define the new order. Yet those reforms will have been introduced by a select majority if any, as well as for the purpose of stifling the reproduction of conservative interests beyond limits that those interests may find intolerable.

Most prominent among those interests, but not alone, will be the interest of the state apparatus to manage itself internally and capitalism's interest in accumulation. And since it is far from likely that, despite the initial advantage of the left, the reforms will be sufficient to make those interests disappear in thin air, the scenario's likely outcome in the short to middle range is the emergence of what O'Donnell calls a situation of dual power, and naked at that.[32] Let us assume that this dual situation will not lead to an abrupt or violent resolution, through destabilizing subscenarios that require little fantasy to envision. Even so, government and opposition will continue to compete on issues that touch upon the very structure of the new regime. And if the threatened interests find eventually their way to government, and if they revoke what the left has done, it is difficult to predict a long and safe journey for the new democracy--and with it for party government.[33]

A PREVIEW OF THE REMAINDER OF THE PAPER

There will be two more briefer sections to the paper. The first section will examine new democracies that exemplify the scenarios above. As much as possible, the analysis will go beyond the period of transition to examine the very crucial problem of how long the effects of the transition on reproducibility and party government last. Obviously, none of the concrete cases to be examined fit perfectly any of the scenarios, though the informed reader has no difficulty discovering that the scenarios have been abstracted from reality. It will be one task of this section to point out deviations from each scenario and relative implications.

The case that comes closer to the first and most instructive scenario, the scenario of garantismo, is postfascist Italy--and the consequences of that scenario on party government and reproducibility are still felt today. West Germany, on the other hand, best fits the "easy" scenario, making the extremes discountable and favoring in that sense party government. Spain and Portugal in the seventies serve to illustrate the two opposite outcomes of transitions initiated by the extremes--the former acting to transform the extremes into key components of the collective democratic compromise, the latter leading from prematurely installed party government to a crisis of reproducibility. More ambiguous, finally, is the case of Greece in the seventies. The extremes played no central role in the transition. Rather, the

shortness and unconsolidated nature of the dictatorship made possible a democratic inauguration at the hands of a predictatorship and non-nostalgic right which, beyond compelling the democratic left to compete within rules of the right's choosing (essentially an electoral law with majority premium and a strong executive leadership) did little else to prevent the reproducibility of the left's social and economic interests. Though we have here some of the instrumentalities of party government, the real question about its normative viability comes with the left's electoral victory. Can the newly acquired power and the instrumentalities provided originally by the right be used--and how far--to set the democratic bargain on a more "advanced" basis?

The second section will look at new democracies' prospects for party government in the light of today's alleged crisis of the latter. I will examine only one aspect of that crisis: the inability of welfare democracies run by competing parties to reconcile welfare with capitalist accumulation. I will argue three points. First, the most prominent normative limit to party government does come from the need to reproduce the interests of capital. In simple words, we are dealing with capitalist democracies and the parties replacing each other in government are kept to this parameter. Second, the success of new democracies is based exactly on collective consent to the reproduction of capital. But consent means above all consent by the left in exchange, reciprocally, for the protection of <u>its own</u> interests as the left defines them (that is why new democracies inaugurated by the extreme left may run the highest risks). Hence, where this reciprocal legitimation has not occurred, party government is less likely (or riskier). Hence also--third--new democracies in which party government has been

more difficult to achieve, because of the stumbling block represented by the left, are also less capable to redefine collectively, when necessary, the institutions through which the reproduction of interests and consent is sought (for instance, by inserting neocorporatist arrangements).

Implicit in all of this is the notion that neocorporatist arrangements or any arrangements designed to improve reproducibility do not exactly deny party government, but in subtle ways presuppose and renew it.

Footnotes

[1]This is the opening line of "Founding Coalitions in Southern Europe: Legitimacy and Hegemony," Government and Opposition, 15 (Spring 1980), pp. 162-189.

[2]The distinction between parties in government and party government is in Giovanni Sartori, Parties and Party Systems (Cambridge: Cambridge University Press, 1976), p. 19. For the notion of variability in party government see Richard Rose, "The Variability of Party Government: A Theoretical and Empirical Critique," Political Studies, 17 (1969), pp. 413-445.

[3]Ibid., p. 414.

[4]Richard Rose, Do Parties Make a Difference? (Chatham, N.J.: Chatham House, 1980), p. 156.

[5]The distinction between changes in personnel, policies and structures and its implications for patterns of government and opposition are discussed by Robert Dahl in Robert Dahl, ed., Political Oppositions in Western Democracies (New Haven: Yale University Press, 1966), Chapter 11.

[6]This is Rose's conclusion in "Variability," cit. For a less stringent assessment of the English case see Rose, Do Parties, cit.

[7]An elegant demonstration is in Adam Przeworski, "Some Problems in the Study of the Transition to Democracy," (Conference on the "Prospects

for Democracy: Transitions from Authoritarian Rule," Woodrow Wilson Center, Washington, D.C., September 1980).

[9]Robert Dahl, After the Revolution? (New Haven: Yale University Press, 1970), chap. 1.

[10]This does not mean that such actors, once they enter into the bargain, may not engage in a contest over the exact definition of the bargain. But the contest will be time-bound. It will not be resumed unless, as indicated in the text, a tolerable range of expected outcomes is violated.

[11]We like to think of democracy as fragile. It is time to reflect on the internal fragility of nondemocratic orders as well. Along these lines see recently Philippe Schmitter, "Speculations about the Prospective Demise of Authoritarian Regimes and Its Possible Consequences" (Conference on the "Prospects for Democracy: Transitions from Authoritarian Rule," Woodrow Wilson Center, Washington, D.C., September 1980).

[12]On democracy as an institutional compromise see Adam Przeworski, "Material Bases of Consent: Economics and Politics in a Hegemonic System," in Maurice Zeitlin, ed., Political Power and Social Theory (Greenwich: JAI Press, 1980), Vol. 1, pp. 21-66.

[13]There are also crises in which parties are not centrally or initially involved in the inauguration of democracy, because democracy is mainly imposed by an occupying power or octroyée by a monarch, a military dictator, or similar. And there are cases when democracy is not inaugurated following the collapse of an old regime but evolves

by slow transformation. These, however, are cases less suited to illustrate my point about the affordability of party government and are therefore not analyzed here.

[14]By successor democracies I mean democracies that follow an authoritarian or totalitarian regime.

[15]One easy criterion--though possibly too narrow, as we will see--is that these parties opposed the dictatorship during its life, and opposed it in the name of democracy and no other order.

[16]In other words, easy and difficult scenarios hold no special interest in that they overdetermine outcomes: either a successful democracy with no problems stemming from its inauguration, or a short-lived democracy, if any. Reasonable scenarios, instead, are much more open and uncertain in their outcomes. Therefore they illustrate better what it takes to reach (or miss) that delicate balance which the democratic bargain implies.

[17]The difficulty is not just in the fact that the extreme left favors something quite different from the other political forces, but in the fact that it does this against other forces which are by no means insignificant.

[18]This is even truer when the alliance is between the extreme left and all the democratic parties.

[19]The scenario of such involution will not be analyzed further. Object of the paper is not the failure of democratic inauguration but the costs that may be associated with its success.

[20]Footnote removed.

[21]This may require a limited purge of bureaucratic personnel and the repeal of external decision-making authority violating democratic accountability. Also, reforms may have to be deeper in the case of the judicial system.

[22]This may explain why democracy may preserve institutions created by the dictatorship for state intervention in the economy.

[23]I will discuss later on, but more briefly, a scenario in which some parties are willing to take greater, though not necessarily destructive, risks in the direction of party government. It will show my point a contrario--by what the reproduction of consent stands to lose.

[24]My claim cannot be proven or disproved by counting cases of democratic transition: they are only unrepresentative instances of a potentially infinite population. As to the criticism that my scenarios allow for too large a number of variations, I would argue that most variations still revolve around the search for negotiated outcomes and tend to have closely related effects on governance.

[25]I am aware that these are very gross categories, but I am afraid that finer ones would take us quite afar without greatly improving predictions. Besides, it is not predictions as much as exemplifications that we are pursuing.

[26]Those circumstances have been analyzed recently in Schmitter, "Speculations," cit.

[27]A similar scenario would apply to a seceding left imitating the democratization of a leftist dictatorship (for example, a people's democracy), though I can think of some points of significant difference.

[28]Assuming always that the right is present and with similar weight. If the political and numerical weight of the right is insignificant or nil the scenario is obviously much easier.

[29]Di Palma, "Founding Coalitions," cit.

[30]It can be said more in general that transitions to democracy almost always place the extreme left or the left as a whole in the position to claim moral and political superiority. On the contrary, even a seceding right that initiates democratization must always prove itself.

[31]Guillermo O'Donnell, "Notas Para el Estudio de Procesos de Democratization Politica a Partir del Estado Burocratico-Autoritario" (CEDES, Buenos Aires, January 1980, mimeo).

[32]Ibid.

[33]Unless, that is, the new government--aware of the risks of plainly setting back the clock--chooses to negotiate its way through a renewed constitutional process. The process would have to balance a limited step back on reforms with constitutional guarantees that would keep the democratic game open. In essence, it would be a lateral move to a version of the scenario of garantismo first discussed in this section.

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